

TODD M. LEVENTHAL, ESQ  
Nevada Bar No. 008543  
600 South Third Street  
Las Vegas, Nevada 89101  
(702) 384-1990

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
SAMUEL DAVIS, )  
SHAWN RICE )  
Defendant. )  
\_\_\_\_\_ )

CR-S-09-078-JCM(RJJ)

**STIPULATION TO CONTINUE  
TIME FOR TRIAL AND MOTIONS  
DEADLINES AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between Defendant, SAMUEL DAVIS, by and through his stand by counsel, TODD M. LEVENTHAL, ESQ., and the United States of America, by its counsel, GREGORY DAMM, Assistant U.S. Attorney, that the trial in the above-captioned matter be reset to December 13, 2010.

This Stipulation is entered into for the following reasons:

1. Mr. Davis, Counsel for the Government and the Court have met and indicated that a trial date of December 13, 2010 is a date that works for trial scheduling purposes.

2. Mr. Davis is not in custody and agrees with this continuance.

3. Mr Rice is in warrant status at this time.

4. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

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CR-S-09-078-JCM-(RJJ)

**FINDINGS OF FACTS AND  
CONCLUSIONS OF LAW**

**FINDINGS OF FACT**

Based on the stipulation of counsel, and good cause appearing, the Court finds that:

1. Mr. Davis, Counsel for the Government and the Court have met and indicated that a trial date of December 13, 2010 is a date that works for trial scheduling purposes.

2. Mr. Davis is not in custody and agrees with this continuance.

3. Mr Rice is in warrant status at this time.

4. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States Code, Section 3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

1 **CONCLUSIONS OF LAW**

2 Based on the fact that counsel for the defendant needs additional time within which to  
3 prepare the case for trial, defendant does not object to the continuance sought herein, denial of  
4 this request for continuance would deny the parties sufficient time to resolve the case and  
5 otherwise prepare for trial should negotiations fail. Additionally, denial of this request for a  
6 continuance could result in a miscarriage of justice.

7 1. The additional time requested by this Stipulation is excludable in computing the time  
8 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
9 States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States  
10 Code, Section 3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

11  
12 **ORDER**

13 Accordingly, IT IS SO ORDERED that trial setting is vacated and the same is  
14 continued and reset for December 13, 2010 , at the hour of 9:00 AM in courtroom  
15 # 6A . (Stacked trial setting.)

16 IT IS FURTHER ORDERED that the Calendar Call in this matter is reset for  
17 December 8, 2010 at the hour of 1:30 PM , in Courtroom # 6A

18  
19 Dated this 12th day of November, 2010.

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21   
22 UNITED STATES DISTRICT JUDGE  
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